

## **TENNESSEE BOARD OF ALCOHOL AND DRUG ABUSE COUNSELORS MINUTES**

**DATE:** January 7, 2005

**TIME:** 9:12 a.m.

**LOCATION:** Tennessee Room  
Ground Floor, Cordell Hull Building  
Nashville, TN

### **BOARD MEMBERS**

**PRESENT:** Albert Richardson, Jr., Chair  
Karen Starr, Secretary  
Chelsea Taylor, Board Member  
Michael Jackson, Board Member

**STAFF PRESENT:** Joan Burk, Board Administrator  
Nicole Armstrong, Advisory Attorney  
Rick Agee, Unit Director  
Barbara Maxwell, Administrative Director  
Stacy Lannan, Administrative Assistant/Licensing Technician

Mr. Albert Richardson, board chair, called the meeting to order at 9:12 a.m. A roll call was conducted and a sufficient number of board members were present to constitute a quorum.

### **Conflict of Interest**

Ms. Armstrong, advisory attorney, reviewed the conflict of interest policy with the board.

### **Letter of Reprimand for Kimberly Burchett, LADC**

Ms. Irwin distributed the letter of reprimand to the board members for their review. With no questions from the board members, Mr. Richardson asked the board to vote on the letter. Ms. Starr made a motion, seconded by Mr. Jackson, to ratify the letter of reprimand. The motion carried.

### **Review Minutes**

Upon review of the August 13, 2004 board meeting minutes, Ms. Starr made a motion seconded by Mr. Jackson, to approve the minutes as written. The motion carried.

Upon review of the November 22, 2004 telephonic board meeting minutes, Mr. Taylor made a motion, seconded by Mr. Jackson, to approve the minutes as written.

### **Office of General Counsel Report**

Ms. Armstrong discussed the OGC report with the board stating the amendments to Rules 1200-30-2-.04, .05 and .08 became effective August 29, 2004. Ms. Armstrong said there are currently two open cases pertaining to the Tennessee Board of Alcohol and Drug Abuse Counselors in the office of General Counsel.

### **Investigative Report**

Mr. Agee said from January 2004 until December 2004 four complaints were received in investigations and three complaints had been closed with no action. One complaint has been referred to the Office of General Counsel.

### **Disciplinary Report**

Mr. Agee said there is currently one practitioner being monitored. The practitioner is required to obtain thirty (30) hours of continuing education but no civil penalties or costs were assessed.

### **Disciplinary Action Report**

Mr. Agee reviewed the discipline report which is a list of all the practitioners who have been disciplined by the board along with the date of the action and the reason for the action.

### **Financial Report**

Mr. Agee reviewed the financial report stating the board has cumulative carryover of \$2,036.

### **Status Report**

Ms. Burk said there are thirty one (31) applications in process, 535 active alcohol and drug counselors, 95 voluntarily retired, 159 failed to renew and eight (8) deceased.

### **Administrative Report**

Ms. Burk reviewed the administrative report with the board and stated all application files have been imaged with the exception of new files. Administration is still in the process of getting letters out in response to the continuing education audit. Ms. Burk stated the mileage fee has increased to \$.38 per mile.

The newsletter, prepared by Ms. Maxwell, was distributed to the Board for their review and approval. The board thanked Ms. Maxwell for a job well done and agreed that the Newsletter could go out to our licensees.

An updated application has been prepared for the board's review and approval. Mr. Richardson asked that the application be tabled until the next meeting in order to give the board members an opportunity to review the new application.

Mr. Agee said 20% of active licensees were audited for continuing education for the years 2001/2002. Of these, 37 licensees did not respond to the audit, 23 licensees' ce's were acceptable, and 146 were found to be unacceptable.

### **Discuss Certificate of Qualified Supervisor**

Ms. Armstrong said she amended the letter Ms. Benson drafted regarding the supervision requirements to delete the continuing education portion of the letter. Ms. Armstrong distributed a draft of her letter to the board members for their review.

Mr. Richardson asked the board members to review the letter for discussion at the next board meeting.

### **Certificate of Qualified Clinical Supervision Affidavit**

Ms. Burk asked the board to review and approve the Certification of Qualified Clinical Supervision Affidavit for those wishing to provide supervision to applicants for licensure as an Alcohol and Drug Abuse Counselor after February 18, 2005, the Affidavit of Supervision form to be completed by all supervisors who provided supervision to the applicant for licensure, and the letter/certificate to be sent to the applicant once the supervision has been approved. Also included in this material were examples of letters from licensees requesting to be issued a certificate of qualified clinical supervision.

### **Report from Jerry Kosten, Rules Coordinator**

Mr. Kosten said a rule making hearing was conducted October 28, 2004 to amend the Rules 1200-30-1-.01, 1200-30-1-.10 and 1200-30-1-.12 to change the language "approved supervisor", which will hold the supervisor

accountable for the supervision of those persons they supervise; “NAADAC” has changed it’s name to “The Association for Addiction Professionals”; requirements for a Qualified Supervisor; and additional organizations and entities approved for the acceptance of continuing education courses, events, and activities related to the practice of Alcohol and Drug Abuse Counseling.

Mr. Kosten discussed, and asked for a motion to accept, the proposed mandatory criminal background checks for all new applicants, stating the issue resulted from the audit conducted by the Office of the Comptroller of the Treasury. Mr. Kosten said the background check will be a nationwide FBI and TBI search at a cost of \$56 to the applicant.

Mr. Jackson made a motion, seconded by Mr. Taylor, to conduct a rulemaking hearing to add the criminal background check rule to the current rules. The motion carried.

### **Jurisprudence Examination**

Ms. Burk said the jurisprudence examination is now included in the application.

### **Access Medical Records**

Ms. Armstrong stated the discussion to access medical records is being tabled until the next meeting.

### **Review and Respond to correspondence**

The board reviewed a letter from Bonnie M. Cobin requesting a waiver of her 2001-2002 continuing education. Ms. Armstrong said language in the rules requires the licensee to submit the letter of waiver when they determine they cannot complete their continuing education that year and that Ms. Cobin’s letter is a result of the continuing education audit. Ms. Starr made a motion, seconded by Mr. Jackson, to deny the waiver request and to send Ms. Cobin a letter explaining the continuing education procedures. The motion carried.

The board reviewed a letter from Ms. Bobbie Keyes requesting a waiver of her 2001-2002 continuing education in order to reinstate her license. Mr. Jackson made a motion, seconded by Mr. Taylor, to deny the wavier request and send Ms. Keyes a letter explaining the continuing education and reinstatement procedures. The motion carried.

The board reviewed a letter from Farris Wright, LADAC, appealing the board’s decision to deny the continuing education courses he obtained by the American Institute of Medical Education for his 2001-2002 continuing education. Upon discussion, Ms. Starr made a motion, seconded by Mr. Jackson, to accept the waiver request from Mr. Wright. The motion carried.

The board reviewed the letter from Cumberland Heights, dated April 12, 2004, requesting an exception from the board regarding the credentials required to supervise persons who are seeking initial licensure as licensed Alcohol and Drug Abuse Counselors. Mr. Jackson made a motion, seconded by Mr. Taylor, to deny the request from Cumberland Heights. The motion carried.

The board reviewed a letter from Rosa Sanders concerning interest in becoming a part of the examination process for Alcohol and Drug Abuse Counselors. Mr. Agee suggested the letter be sent to investigations and Kathy Benson.

The board reviewed a letter from Karen Dennis complaining that licensees are not sent postcards or notification that rule revisions have been made. Ms. Burk said all changes can be found on the website and the news letter.

The board reviewed a letter from Shirley Beckett, NAADAC, regarding the November 1, 2004 exam fee increase from \$80.00 to \$100.00 per applicant for the Levels I and II examinations. Ms. Beckett said the cost of the MAC examination will increase from \$100.00 to \$120.00 per applicant.

### **Application Review**

Ms. Starr made a motion, seconded by Mr. Taylor, to approve the application of **Lynn Manderson**. The motion carried.

Mr. Jackson made a motion, seconded by Mr. Taylor, to approve **Virginia Roach** to sit for exam. The motion carried.

#### **Reinstatement Application Review**

Mr. Richardson made a motion, seconded by Mr. Taylor, to reinstate **David Simms, Dorothy Gregory, Barrett Battle** and **Calvin Keller**. The motion carried.

#### **Ratification after Passing Oral Exam**

Ms. Starr made a motion, seconded by Mr. Taylor, to ratify **David Carroll, Donna Caum, Karen Roberts, Katherine Baker** and **Paul Joseph Mulloy**. The motion carried.

#### **Task Force Meeting**

Mr. Richardson stated the Task Force will meet May 20, 2005 from 8:30-9:00 a.m. and the board meeting will begin at 9:00 a.m.

With no other business to conduct, Ms. Starr made a motion, seconded by Mr. Jackson, to adjourn at 1:11 p.m. The motion carried.

JB/G4025152/A&DCPRE